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In re Application of
Hirsch et al.
Application No. 10/088,426
PCT No.: PCT/EP00/06174
Int. Filing Date: 03 July 2000
Priority Date: 17 September 1999
Atty. Docket No.: 22156
For: Device For Thermally Treating
Granular Solid Matter

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: DECISION ON
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: PAPERS UNDER
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: 37 CFR 1.42
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This is in response to the "Response To Decision On Papers Under 37 CFR 1.42" filed on 07 March 2005.

DISCUSSION

On 07 December 2004, a Decision on Papers Under 37 CFR 1.42 was mailed to applicants. In that Decision, the declaration of the inventors filed on 12 June 2002, and discussed in applicants' "Communication" filed on 30 July 2003, was not accepted under 37 CFR 1.42 because

Counsel has not provided an executed declaration of the inventors which provides "the facts which the inventor would have been required to state" and the citizenship, residence and mailing address of the legal representative. More specifically, the legal representative has not signed a declaration declaring the citizenship, residence and mailing address of the deceased inventor. In addition, it appears that the declaration signed by the legal representative has been altered after it was signed, as suggested by the fact that the signature of the last-named inventor appears to have been deleted using "white-out." As such, it still would not be appropriate to accept the papers under 37 CFR 1.42 on the basis of the present record.

The instant "Response..." is accompanied by a new declaration of the inventors executed by Kristina Stolarski in the capacity of "Executrix" of deceased joint inventor Eberhard Stolarski, as well as by the other joint inventors. The declaration lists the citizenship, residence and post office address for both the deceased inventor and for his legal representative. In view of this new declaration, it would now be appropriate to grant the requested relief under 37 CFR 1.42.

DECISION

The declaration of the inventors filed on 07 March 2005 is **ACCEPTED** under 37 CFR 1.42.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **07 March 2005**.

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